

DENNIS J. HERRERA, State Bar #139669
City Attorney

KRISTEN A. JENSEN, State Bar #130196

THOMAS S. LAKRITZ, State Bar #161234

VICTORIA WONG, State Bar #214289

Deputy City Attorneys

City Hall, Room 234

1 Dr. Carlton B. Goodlett Place

San Francisco, California 94102

Telephone: (415) 554-6547

Facsimile: (415) 554-4747

E-Mail: tom.lakritz@sfgov.org

Attorneys for Defendant

CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

METRO FUEL LLC, a Delaware limited
liability company,

Plaintiff,

vs.

CITY OF SAN FRANCISCO, a municipal
corporation, COUNTY OF SAN
FRANCISCO, a subdivision of the State
of California, CITY AND COUNTY OF
SAN FRANCISCO, a chartered California
city and county and DOE 1 through DOE
10,

Defendants.

Case No. C07-6067 JSW

**STIPULATION AND ~~PROPOSED~~
ORDER**

1 WHEREAS, on June 6, 2008, the parties filed a stipulation and proposed order informing the
2 Court that counsel for Plaintiff Metro Fuel and the City Attorney's Office had agreed upon the terms
3 of proposal to stay the present litigation pending a decision by the Ninth Circuit in *Metro Lights,*
4 *L.L.C. v. City of Los Angeles*, 488 F. Supp. 2d 927 (C.D. Cal. 2006), *appeal docketed*, No. 07-55179
5 (9th Cir. Feb. 1, 2007) and *Metro Lights, L.L.C. v. City of Los Angeles* No. 04-1037, 2006 WL
6 4941839 (C.D. Cal. Nov. 3, 2006), *appeal docketed*, No. 07-55207 (9th Cir. Feb. 9, 2007), which was
7 to include the City and County of San Francisco's agreement to stay enforcement of local ordinances
8 at issue in the present litigation; and
9

10 WHEREAS, the parties' June 6, 2008 stipulation also stated that counsel for Plaintiff Metro
11 Fuel and the City Attorney's Office needed to obtain approval of the proposal to stay the litigation
12 from their respective clients, and that the counsel for parties would notify the Court no later than
13 Wednesday, June 11, 2008, whether their respective clients have approved the proposal to stay the
14 litigation; and
15

16 WHEREAS, despite extensive, good-faith negotiations, the parties unfortunately have been
17 unable to finalize a mutually acceptable agreement to stay enforcement of the local ordinances at
18 issue in the present litigation; and
19

20 WHEREAS, the parties mutually agree that it would be helpful for the Court to hold a Case
21 Management Conference either on Friday, June 20, 2008 at 1:30 p.m. or as soon thereafter as is
22 convenient for the Court (counsel for both sides being unavailable on Friday, June 13) to discuss,
23 among other things, the schedule for Plaintiff's contemplated motion for a preliminary injunction, the
24 schedule for an administrative motion seeking leave to file such motion, and the extent to which
25 discovery should proceed in advance of such motion and while such motion is pending;
26

27 ///

28 ///

1 NOW, THEREFORE, it is hereby STIPULATED, AGREED, and ORDERED as follows:

2 1. The parties in this action are hereby ordered to appear for a status conference on
3 Friday, July 11, 2008 at 1:30 p.m.

4
5
6 DATED: June 11, 2008

DENNIS J. HERRERA
City Attorney

7
8 By: /s/
9 THOMAS S. LAKRITZ

10 Attorneys for Defendant CITY AND COUNTY OF
11 SAN FRANCISCO

12
13 DATED: June 11, 2008

EMERY CELLI BRINCKERHOFF & ABADY LLP

14
15 By: /s/
ERIC HECKER

16 Attorneys for Plaintiff METRO FUEL, LLC

17 The case shall remain stayed until the case management conference and the parties shall file a
18 joint case management statement by no later than July 7, 2008.

19 IT IS SO ORDERED:

20
21 DATED: June 13, 2008

By: 
22 THE HONORABLE JEFFREY S. WHITE